

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON TRANSPORTATION**

**Call to Order:** By **CHAIRMAN KARL WAITSCHIES**, on March 14, 2003 at 3 P.M., in Room 472 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Rep. Karl Waitschies, Chairman (R)  
Rep. Sylvia Bookout-Reinicke, Vice Chairman (R)  
Rep. Dave Gallik, Vice Chairman (D)  
Rep. Joe Balyeat (R)  
Rep. Bob Bergren (D)  
Rep. Ronald Devlin (R)  
Rep. George Golie (D)  
Rep. Jim Keane (D)  
Rep. Bernie Olson (R)  
Rep. Allen Rome (R)  
Rep. Donald Steinbeisser (R)  
Rep. Bill Wilson (D)

**Members Excused:** Rep. Frank Smith (D)

**Members Absent:** None.

**Staff Present:** Leanne Kurtz, Legislative Branch  
Pati O'Reilly, Committee Secretary

**Please Note.** These are summary minutes. Testimony and discussion are paraphrased and condensed.

##### **Committee Business Summary:**

Hearing & Date Posted: SB 217, SB 34, 3/11/2003  
Executive Action: None

**HEARING ON SB 217****Sponsor:** SENATOR DALE MAHLUM, SD 35**Opening Statement by Sponsor:**

**SEN. MAHLUM**, introduced SB 217 as an act dealing with child automobile restraints. The bill would set the requirements at six years of age and 60 pounds. The current changes in our vehicles and road mandate that we need to update the car seats for our children. Current law says a child three years old can be placed in a seat belt, this is a hazard for the child. The bill we make traveling safer for our children.

*{Tape: 1; Side: A; Approx. Time Counter: 0 - 3.3}*

**Proponents' Testimony:**

**Sami Butler, Montana Nurses Association.** Did not testify verbally but submitted written testimony.

**EXHIBIT**(trh54a01)

**Lonnie Hutchinson, Safe Kids Coalition Coordinator for Missoula**  
The coalition office is located at the Missoula County Health Department. The agency recognizes the need for change in the child restraint requirements for safety of our children.

**EXHIBIT**(trh54a02)

**EXHIBIT**(trh54a03)

**EXHIBIT**(trh54a04)

**EXHIBIT**(trh54a05)

**EXHIBIT**(trh54a06)

**EXHIBIT**(trh54a07)

*{Tape: 1; Side: A; Approx. Time Counter: 4.2 - 11.2}*

**Monica McClure, Mother of small children from Kalispell.** Monica told a story of an auto accident she and her daughter were in and thanks to the new type of child seats, her daughter was saved.

*{Tape: 1; Side: A; Approx. Time Counter: 11.2 - 13.9}*

**Wendy Olsen, Safe Kids Coalition in Kalispell.** Safe Kids Coalition coordinate clinics that offer information, education, children car seats and help with installation of the child seats.

**{Tape: 1; Side: A; Approx. Time Counter: 13.9 - 17.3}**

**Sargent M. Tuttle, Montana Highway Patrol.** The Department encourages passage of this bill. Most of the children that are killed or seriously injured in auto accidents are not in the proper restraints.

**{Tape: 1; Side: A; Approx. Time Counter: 17.3 - 19.5}**

**Steve Yeakel, Montana Council for Child Health.** The Council encourages you to pass this bill.

**{Tape: 1; Side: A; Approx. Time Counter: 19.5 - 20.9}**

**Ron Ashabraner, State Farm Insurance** expressed support for this bill.

**{Tape: 1; Side: A; Approx. Time Counter: 20.9 - 21.7}**

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

**REPS. GALLIK and OLSEN** asked **SEN. MAHLUM** if this was a Class 1 or Class 2 violation.

**{Tape: 1; Side: A; Approx. Time Counter: 21.7 - 30}**

**{Tape: 1; Side: B; Approx. Time Counter: 0 - 4.9}**

**Closing by Sponsor:**

**SEN. MAHLUM** closed with a short summary of the testimony regarding the need for this bill.

**{Tape: 1; Side: B; Approx. Time Counter: 4.9 - 7.6}**

**HEARING ON SB 34**

**Sponsor:** SENATOR GREGORY BARKUS, SD 39

**Opening Statement by Sponsor:**

**SEN. BARKUS** introduced SB 34 as a bill dealing with Eminent Domain. The Department of Transportation has requested this bill as a cost saving issue. The bill says if a property owner will

not sell a right-of-way to the government and holds up a highway project, the government would have the right to take possession of the property and settle the price at mediation or court.

***{Tape: 1; Side: B; Approx. Time Counter: 7.6 - 12.8}***

**Proponents' Testimony:**

**Tim Reardon, Council for Montana Department of Transportation.** He cited several cases where individual landowners were holding up highway right-of-way. This can be costly and in several instances the federal monies were lost and the project not completed. This is very costly and they need a way to use the monies in a timely manner and not forfeit federal funds.

***{Tape: 1; Side: B; Approx. Time Counter: 12.8 - 30}***

***{Tape: 2; Side: A; Approx. Time Counter: 0 - 2.6}***

**Shiel Anderson, Chairman of Transportation Commission,** said, "We are given the responsibility of awarding highway contracts. We were incurring many delays because of right-of-way issues. This bill would help eliminate some of the delays."

***{Tape: 2; Side: A; Approx. Time Counter: 2.6 - 5.8}***

**Dennis Iverson, Montana Contractors Association and Montana Stockgrowers Association** told the committee that the associations he represents are in support this bill.

***{Tape: 2; Side: A; Approx. Time Counter: 5.8 - 6.2}***

**John Youngbauer, Montana Farm Bureau** said the Farm Bureau was in support of the bill.

***{Tape: 2; Side: A; Approx. Time Counter: 6.2 - 7.2}***

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

**REPS. OLSEN, BOOKOUT-REINICKE, GALLIK and BERGREN** questioned **SEN. BARKUS** and **Tim Reardon**. They questioned if the landowner was allowed enough time to answer a possession notice, if the public would be treated fairly and what was the cost savings to the State of Montana.

*{Tape: 2; Side: A; Approx. Time Counter: 7.2 - 21}*

**Closing by Sponsor:**

**SEN. BARKUS** closed SB 34. **REP. BRUEGGEMAN** will carry this bill on the floor if it is passed.

*{Tape: 2; Side: A; Approx. Time Counter: 21 - 22.3}*

**ADJOURNMENT**

Adjournment: 4:50 P.M.

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REP. KARL WAITSCHIES, Chairman

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PATI O'REILLY, Secretary

KW/PO

**EXHIBIT (trh54aad)**